

7 JUL 1978

Honorable Clement J. Zablocki, Chairman
Committee on International Relations
House of Representatives
Washington, D.C. 20515

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Dear Mr. Chairman:

I am writing to express the concerns of this Agency with certain provisions of H.R. 12598, the "Foreign Relations Authorization Act, FY 79," which passed the House on 31 May 1978 and the Senate (Senate version formerly number S. 3076) on 28 June 1978. Both Houses have appointed conferees--for the House, all members of the International Relations Committee--who are expected to meet shortly after the Congress reconvenes on Monday, 10 July 1978.

The Senate version (S. 3076) contains two provisions which have been and remain of particular concern to us; these were not amended at all on the floor: --Section 119, amending the Role of the Ambassador Legislation (22 U.S.C. 2680a); and, --Section 501, amending the so-called "Case-Zablocki Act" (1 U.S.C. 112b).

Section 119 of the Senate bill, concerning the Role of the Ambassador Legislation, would amend 22 U.S.C. 2680a by adding the following language to paragraph (3) between the words "country" and "shall": "notwithstanding any other provision of law." This amendment is of concern to us because of its potential construction as superseding the statutory authority of the Director of Central Intelligence to protect intelligence sources and methods against unauthorized disclosure (section 102(d)(3) of the National Security Act of 1947, as amended, 50 U.S.C. 403). Further, the proposed additional language could be viewed by liaison services and other intelligence sources as a further weakening of the Government's ability to limit dissemination of intelligence sources and methods.

The amendment in section 119 would leave intact the present prefatory language to 22 U.S.C. 2680: "Under the direction of the President--" In our view, this language provides the appropriate statutory formula reflecting the respective responsibilities, in terms of our interests for example, of the Director of Central Intelligence and the Secretary of State. Addition of the language "notwithstanding any other provision of law" could be construed as relegating the President's authority under 22 U.S.C. 2680a to a purely ministerial (i.e., non-discretionary) function. Such a construction, which is not unreasonable under the proposed language, in our view would pose serious problems.